

United States District Court

NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SAHANI ADIA MCCALL

§

v.

§

CIVIL ACTION NO. 3:21-CV-429-S-BT

NEW AMERICAN FUNDING

§

§

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. *See* ECF No. 20. No objections were filed. The District Court reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

The Court further finds that the interests of justice would not be served by transferring this case to another judicial district. *See* 28 U.S.C. § 1406. As stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, it is difficult to determine the precise nature of Plaintiff's claims. Moreover, Plaintiff did not respond to either Defendant New American Funding's Motion to Dismiss, or Alternatively, Motion to Transfer Venue [ECF No. 15] or Defendant New American Funding's Motion for More Definite Statement [ECF No. 16], nor did she object to the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. Her claims, therefore, have been abandoned. *See Black v. N. Panola Sch. Dist.*, 461 F.3d 584, 588 n.1 (5th Cir. 2006) (plaintiff abandoned claim by failing to defend claim in response to motion to dismiss). Plaintiff will not be prevented from re-filing in an appropriate venue, nor would Plaintiff been prejudiced by having to pay multiple filing fees, since she has been permitted to proceed *in forma pauperis* in this action. *See* ECF No. 6. Because the interests of justice would not be served by transferring this case, dismissal is the proper remedy. 28 U.S.C. § 1406.

Accordingly, Plaintiff's Demand for Default Judgment [ECF No. 18] is **DENIED** and Defendant New American Funding's Motion to Dismiss, or Alternatively, Motion to Transfer Venue [ECF No. 15] is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE** for improper venue. Defendant New American Funding's Motion for More Definite Statement [ECF No. 16] is **DENIED AS MOOT**.

SO ORDERED.

SIGNED February 24, 2022.



UNITED STATES DISTRICT JUDGE